

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BRIAN LILLIE and wife TRACY LILLIE,
ENTERPRISE HOLDINGS GROUP LLC
d/b/a COLUBURIS VENTURES,
ECREATIVE GROUP, INC., and THREE
WIDE MEDIA,

Plaintiffs,

v.

ALAN JOHN HANKE and LUIS ALBERTO
GUERRA,

Defendants.

No. 1:20-CV-905

NOTICE OF REMOVAL

Defendants Alan John Hanke and Luis Alberto Guerra respectfully show the Court as follows:

1. Defendants are a party to a civil action in the Superior Court Division of Cabarrus County, North Carolina entitled “Brian Lillie and wife Tracy Lillie, Enterprise Holdings Group LLC d/b/a Coluburis Ventures, eCreative Group, Inc., and Three Wide Media, LLC v. Alan John Hanke and Luis Alberto Guerra” C.A. No. 20-CVS-2565, which was commenced by the filing of the underlying state court summons and complaint on August 31, 2020. No further proceedings have taken place in that action. As of October 2, 2020, there are no other filings in the state court matter beyond the summons, complaint, and affidavit of service.

2. This petition for removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of the date on which Defendants first received the summons and complaint through service or otherwise. Defendant Luis Alberto Guerra was first served with process in this matter on September 4, 2020. (See **Exhibit A**, Affidavit of Service on Luis

Alberto Guerra, ¶ 3). Defendant Alan John Hanke was first served with process in this matter on September 5, 2020. (*See Exhibit B*, Affidavit of Service on Alan John Hanke, ¶ 3).

3. As per the representations in the Complaint, Plaintiffs Brian Lillie and Tracy Lillie are individual citizens and residents of Cabarrus County, North Carolina. (*See Exhibit C* Complaint, ¶ 1).

4. Plaintiff Enterprise Holdings Group LLC d/b/a Colubris Ventures is a North Carolina limited liability company which, upon information and belief, has its principal place of business in Cabarrus County, North Carolina. (*See id.*, ¶ 2).

5. Plaintiff eCreative Group, Inc. is a foreign corporation, incorporated under the laws of the State of Iowa with its principal place of business in Cabarrus County, North Carolina, and authorized and doing business in North Carolina. (*See id.*, ¶ 3).

6. Plaintiff Three Wide Media, LLC, is a foreign limited liability company, incorporated under the laws of the State of Iowa with its principal place of business in Cabarrus County, North Carolina, and authorized and doing business in North Carolina. (*See id.*, ¶ 4).

7. Defendant Alan John Hanke is an individual citizen and resident of McHenry County, Illinois. (*See id.*, ¶ 5).

8. Defendant Luis Alberto Guerra is an individual citizen and resident of Broward County, Florida (*See id.*, ¶ 6).

9. There is complete diversity of citizenship amongst all the properly joined parties in this matter. *See* 28 U.S.C. § 1332.

10. Further, the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00. Counsel for Defendants has asked counsel for Plaintiffs to stipulate that the

amount in controversy in this matter is not in excess of \$75,000.00, and Plaintiffs have refused to do so, as evidenced by the email exchange attached as **Exhibit D**.

11. Therefore, the statutory minimum for diversity jurisdiction is satisfied in this matter.

12. The United States District Court for the Western District of North Carolina has original subject matter jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship among all of the properly joined parties, and the amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00.

13. Pursuant to 28 U.S.C. § 1446(a) the Local Rules of Practice and Procedure for the Middle District of North Carolina, a copy of the state court Complaint is attached to this Notice of Removal as **Exhibit C**. A copy of the Summons is attached to this Notice of Removal as **Exhibit E**. A copy of the Affidavit of Service for Defendant Luis Alberto Guerra is attached to this Notice of Removal as **Exhibit A**. A copy of the Affidavit of Service for Defendant Luis Alberto Guerra is attached to this Notice of Removal as **Exhibit B**.

14. Defendants submit this Notice of Removal without waiving any defense to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted. Defendants specifically reserve the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative defenses, including those enumerated under Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive pleadings within the time allotted under the Federal Rules.

Defendants Alan John Hanke and Luis Alberto Guerra pray that the above case now pending against it in the Superior Court Division of Cabarrus County, North Carolina be removed therefrom to this Court.

Respectfully submitted this 2nd day of October, 2020.

ROSENWOOD, ROSE & LITWAK, PLLC

/s/ Ryan M. Arnold

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